

In the Matter of Merchant Mariner's Document No. Z-92801-D2 and all
other Seaman Documents
Issued to: JASPER W. LEGGETT

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1040

JASPER W. LEGGETT

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

By order dated 1 June 1957, an Examiner of the United States Coast Guard at Jacksonville, Florida, revoked Appellant's seaman document upon finding him guilty of misconduct. Three specifications allege that while serving as Chief Steward on board the USNS MISSION SAN CARLOS under authority of the document above described, on or about 12 April 1957, Appellant threatened to kill a fellow crewman, W. H. Pieters, assaulted that crewman with a small caliber pistol, and fired three shots from the pistol in the direction of Pieters.

At the beginning of the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Appellant was represented by counsel of his own choice. He entered a plea of not guilty to the charge and each specification.

The Investigating Officer made his opening statement and for proof of the specifications the person against whom the remarks and shots were directed and a witness to the incident were called to testify.

In defense, a person acquainted with the Appellant testified as to his character, and the Appellant testified in his own behalf.

At the conclusion of the hearing, the oral arguments of the Investigating Officer and Appellant's counsel were heard and both parties were given an opportunity to submit proposed findings and conclusions. The Examiner then announced the decision in which he concluded that the charge and three specifications had been proved. An order was entered revoking all documents issued to Appellant.

FINDINGS OF FACT

On 12 April 1957, Appellant was serving as Chief Steward on board the USNS MISSION SAN CARLOS and acting under authority of his Merchant Mariner's Document No. Z-92801-D2 while the ship was in the port of Jacksonville, Florida.

At noon on the 11th of April 1957, the Appellant and a seaman aboard the vessel, one W. M. Pieters, had an argument concerning the Appellant's refusal to break out food while the crew was on subsistence. Appellant finally relented though he was not required to do so. After being ashore for several hours, Appellant returned to the ship about midnight in a partially intoxicated condition, though apparently in control of his faculties. He went to the messroom where he became embroiled in another argument with Pieters. Appellant then went to his room, picked up a small caliber pistol which he owned and returned to the mess hall where Pieters and another seaman were talking. Looking at Pieters, Appellant threatened to shoot him or kill him and then fired several shots in his general direction. The shots lodged in the overhead and bulkhead of the messroom, none hitting any personnel.

Appellant has no prior disciplinary record.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. Appellant contends that he is a nervous individual who was aggravated by the taunting of Pieters, that he is sixty years old, and the sentence will not only deprive him of his livelihood, but he will be denied certain pension rights gained through long years of service.

OPINION

There was little dispute as to the facts in this case. The Appellant rested his defense almost entirely upon a contention of temporary insanity. That contention was not sustained by the evidence presented. Leggett testified that he knew he had a gun and was aware he was firing it toward Pieters, but stated that he was in a highly overwrought and nervous condition and that he just lost control of his emotions.

It also appeared from the testimony that the Appellant is sixty years old, and has been going to sea since 1937. He received outpatient hospital treatment in January and March 1957 for nervous disorders, and also received hospital treatment immediately prior to signing on for this particular voyage.

In view of the proximity of the Appellant to Pieters and the failure to hit Pieters, there is considerable doubt that the shots

were intended to hit Pieters. His action was more in the nature of an irrational display prompted by a nervous condition but not resulting from temporary insanity. Nevertheless, his actions could have caused serious injury or death to anyone present in the messroom when the shooting occurred.

The order of revocation is the only suitable one in the case of a person who has displayed such dangerous proclivities toward a fellow crewman. Regardless of Appellant's prior clear record and the personal hardship involved, other seamen should not be exposed unnecessarily to the danger of such an attack as was directed toward Pieters by the Appellant.

ORDER

The order of the Examiner, dated at Jacksonville, Florida, on 1 June 1957 is hereby AFFIRMED.

A.C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 26th day of May, 1958.